

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

HASAN SMITH

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Criminal No. – JFM-11-042

MEMORANDUM

The government has filed a motion to supplement the record on appeal (document 54). The motion is granted. It appears clear that the documents as to which the government seeks to supplement the record should be available to the Fourth Circuit. Otherwise, it is foreseeable that the Fourth Circuit might simply remand the case to this court to consider the documents as to which the government seeks to have the record supplemented. Of course, if the Fourth Circuit decides that the record on appeal should not have been supplemented, it can decide the issues solely upon the basis of the record as unsupplemented and reverse this court's order granting the government's motion to supplement the record.

Date: November 8, 2012

/s/
J. Frederick Motz
United States District Judge